



**State & Federal Contractors  
Water Agency**

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*Delivered Via Email: [interimplan@deltacouncil.ca.gov](mailto:interimplan@deltacouncil.ca.gov)*

May 12, 2010

Delta Stewardship Council  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Chairman Isenberg and Council Members:

The State and Federal Contractors Water Agency (SFCWA)\* appreciates the opportunity to provide the following comments in response to your request for input regarding the development of the Delta Stewardship Council's (Council) Interim Plan.

The Council's mission to develop a Delta Plan based upon the co-equal goals is critical for California. The Council has the opportunity to follow-up the excellent work of the Delta Vision process and advance actions toward the co-equal goals. To be successful, the Council must remain focused on the key policy issues defined by the Legislature if it is to meet the challenging deadline for completion of the Delta Plan.

The Council's process is part of a comprehensive planning effort that includes delegated contributions from the Delta Protection Commission, the State Water Resources Control Board and the Bay Delta Conservation Plan process -- each with specific inputs to be made to and incorporated as part of the Delta Plan. The Council certainly needs to understand and monitor these external processes, but it should not insert itself into them.

The Legislature's direction to the Council regarding an Interim Plan was broad in its scope, but specific in its primary content: "The council shall develop an interim plan that includes recommendations for early actions, projects, and programs." [§ 85084, emphasis added.] As we outline below, the Council should undertake activities and receive information necessary to most quickly and efficiently develop its Delta Plan and, as directed, make "recommendations" to appropriate state and federal agencies, as well as its own Independent Science Board, regarding "early actions, projects and programs" that can immediately contribute toward improvements in achieving the co-equal goals, recognizing that the Council is not an implementing agency.

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\* SFCWA is a Joint Powers Authority of water contractors that receive water from the State Water Project and the Central Valley Project. Together, SFCWA members serve over 25 million Californians and provide water to irrigate more than 3 million acres of the nation's most productive agricultural lands. SFCWA's mission is to assist its member agencies in assuring a sufficient, reliable and high quality water supply for their customers and maximize the efficient operation and integration of the State Water Project and federal Central Valley Project.

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The Council's Interim Plan development should be focused first on developing the fundamental building blocks and components of what will inform and become the Delta Plan that are directly within the Council's purview. This work should be undertaken by the Council and its staff, with formal input from stakeholders.

SFCWA offers the following (in no particular order) as suggestions for early actions the Council can pursue which will help to more quickly lay the foundation for development of the Delta Plan<sup>‡</sup>:

- Develop a financing proposal to provide for the administrative costs of the Council.
- Develop protocols for appropriate cooperation/consultation with state and federal agencies in the development/implementation of the Interim Delta Plan. The recent commitments from Secretaries Salazar and Locke provide an appropriate starting point and the Council should seek monthly status updates from both state and federal agencies as to their progress in meeting commitments pertinent to near-term improvements and long-term resolution of water supply reliability and ecosystems tensions.
- An initial review and comment on the Delta Protection Commission's Land Use and Resource Management Plan as to its consistency with achieving the co-equal goals.
- Develop an accelerated and focused Science Program and adopt near-term priorities for study that can produce results and reduce uncertainty to better inform near-term decision-making. The Council's effort should build on and consolidate the wide array of available science with particular emphasis on examining the relative contribution of all important stressors to the Delta's ecosystem. This effort would be consistent with and complimentary to the National Research Council's (NRC) ongoing efforts to examine stressors in the Delta and its other recommendations resulting from the recent review of the Biological Opinions for the Coordinated Operation of the Central Valley Project and the State Water Project.
- The Council should direct its Independent Science Board and science program to develop recommendations in at least the following areas: improved modeling (including population and lifecycle models); improved understanding of the effects of nutrient loading; modernizing monitoring and data assessment programs to reflect current Delta conditions; improved techniques for integrative biological analyses of the Delta ecosystem and comparison of management options; and, the potential benefits of reallocating pertinent agency financial and staffing resources (e.g. reassess effectiveness and focus of Interagency Ecological Program (IEP), etc.).
- Identification and support for early ecosystem restoration and habitat projects. The Council should provide input to both the Department of Fish and Game (DFG) and Department of Water Resources (DWR) in their current project review process for Delta

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<sup>‡</sup> SFCWA will submit additional detail regarding who, what, when, how, who pays and prioritization related to the recommendations included in this letter at a later date. While for some of these recommendations and potential activities the answers to those questions are relatively uncontroversial, for others numerous stakeholders are implicated and it would be disingenuous to proffer a simple "answer" to any of them.

related science and habitat project grants, respectively, to ensure they reflect the co-equal goals.

- For example, the Council should urge completion of the Yolo Ranch restoration project in the Lower Yolo Bypass, which will help meet restoration targets in the delta smelt biological opinion and represents a key early-implementation project of the Bay-Delta Conservation Plan.
- Undertake an inventory of relevant land-use, transportation, habitat and other planning processes that will need to be consistent with the Delta Plan. Develop standards of and protocols for review and providing comment/input regarding these local land uses and related planning activities prior to completion of the Delta Plan.
- Receive bi-monthly Bay Delta Conservation Plan (BDCP) and Delta Habitat Conservation and Conveyance Program (DHCCP) status reports regarding general progress, plan development, timelines, and alternatives analyses.
- The Council's role in these processes is limited to an appellate role in the case of an appeal of the NCCP plan approval by the DFG for the BDCP and a responsible agency role in the case of the DHCCP. As such the Council needs to understand these plans content and how they have been produced, but it should not directly engage in their development. This is particularly the case with respect to water project operational criteria that will be subject to permitting by the statutorily charged resource agencies.
- Lead the development of (in cooperation with DWR and the Army Corp of Engineers) a strategic emergency response levee improvement plan driven by a set of clear public benefit criteria. Prioritize expenditure of existing bond funds to implement immediate proactive levee improvements to reduce levee potential slumping along the Middle/Old River Pathway from liquefaction in a seismic event.
- Urge DWR in cooperation with the Army Corps of Engineers to develop a Strategic Levee Investment Plan for the Bay-Delta that includes a risk-based economic analysis in order to guide the prudent expenditure of levee funds in a manner that best achieves the co-equal goals. Such a plan should include the following:
  - (i) Enhanced emergency preparedness for in-Delta communities
  - (ii) Enhanced emergency preparedness to reestablish export and in-Delta water supplies after catastrophic levee failure
  - (iii) Sea-level rise adaptation plan for in-Delta infrastructure and transportation corridors
  - (iv) Prioritization for strategic levee investment and concomitant development of criteria defining funding obligations between beneficiaries; integrate with revised Central Valley Flood Protection Plan
- Identify Delta islands that should be targeted for subsidence reversal and identify implementing entities to develop the program and implementation plan.

The second area of focus for the Council is to undertake analyses that would support recommendations and proposed actions to appropriate state and/or federal agencies that would immediately contribute to making progress toward achievement of the co-equal goals:

- Review and make a recommendation to DFG to develop a predation and predator reduction plan to be implemented prior to the next salmon migration to improve

juvenile salmon survival (including stepped-up anti-poaching programs for all species of concern).

- Review and make a recommendation to DFG to develop and immediately implement invasive and non-native species suppression and control programs that would particularly benefit species of concern (e.g. aquatic weeds, clams, boat inspections, etc.).
- Review and make a recommendation to DFG identifying and prioritizing the top 10 (or more) unscreened diversions in the Delta that should be screened immediately and initiate efforts to do so before the end of the calendar year. DFG should also be urged to complete a total inventory of unscreened diversions within the Delta as it has previously committed to do, before the end of the calendar year.
- Review and make a recommendation to DWR and the Bureau of Reclamation advancing the experimental 2-gates project in time for potential implementation prior to the 2012 water year.
- Direct the Delta Science Program to review emerging analysis on nutrient and ammonia/ammonium discharges and make appropriate recommendations to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board before the end of the 2010 calendar year regarding pollution control actions to improve water quality and ecosystem function.
- Direct the Delta Science Program to review the merits and make a recommendation to the National Marine Fisheries Service (NMFS) regarding implementation of a mark-select fish management program for California salmon.
- Direct the Delta Science Program to review the merits and make a recommendation to NMFS and DFG to improve its protocols related to its determination of acceptable recreational and commercial harvest of salmon in the broader context of the entire watershed, ocean conditions, and the proportional impact to species viability from the take of adults versus entrainment of juveniles.

SFCWA appreciates the Council's consideration of our suggestions and we look forward to assisting the Council in development of an interim plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Buck", with a stylized, flowing script.

Byron M. Buck  
Executive Director